

CHAPTER 58

SENATORIAL DISTRICTS

S. F. 294

AN ACT to amend chapter forty-one (41), Code 1950, relating to senatorial districts.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section forty-one point one (41.1), Code 1950, is
2 amended as follows:
- 3 1. Strike subsection thirty-eight (38) of section forty-one point one
4 (41.1) and substitute in lieu thereof the following: "38. Blackhawk
5 County shall constitute the thirty-eighth (38th) district."
6 2. Strike subsection thirty-nine (39) and substitute in lieu thereof
7 the following: "39. Bremer County, Butler County and Franklin
8 County shall constitute the thirty-ninth (39th) district."
9 3. Strike subsection forty-three (43) and substitute in lieu thereof
10 the following: "43. Cerro Gordo County and Hancock County shall
11 constitute the forty-third (43rd) district."
12 4. Strike subsection forty-five (45) and substitute in lieu thereof the
13 following: "45. Benton County, Grundy County, and Tama County
14 shall constitute the forty-fifth (45th) district."

- 1 SEC. 2. This Act shall be effective as to the nomination and election
2 of the senators from the forty-fifth (45th) and thirty-eighth (38th)
3 districts in 1954, and shall be effective as to the nomination and elec-
4 tion of the senators in the thirty-ninth (39th), and forty-third (43rd)
5 districts in 1956, but shall not affect the terms of office of senators now
6 holding certificates of election from the present senatorial districts of
7 Iowa, and in the event any vacancy shall occur in senatorial districts
8 thirty-nine (39) and forty-three (43), prior to the second Monday
9 in January, 1957, it shall be filled on the basis of the senatorial dis-
10 tricts now existing.

Approved April 17, 1953.

CHAPTER 59

VOTING BY ARMED FORCES

H. F. 213

AN ACT to permit members of the armed forces to vote in primary and general elections and to provide for the amendment of certain sections of the Code 1950, relating to election requirements.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. Section forty-three point eleven (43.11), Code 1950, is
2 hereby amended as follows:
- 3 1. Strike in line two (2), subsection one (1), the word "thirty" and
4 insert in lieu thereof the word "seventy".
5 2. Strike in line five (5), subsection two (2), the word "sixty" and
6 insert in lieu thereof the words "one hundred".

7 3. Strike in line five (5), subsection two (2), the word "forty" and
8 insert in lieu thereof the word "eighty".

1 SEC. 2. Section forty-three point twenty-one (43.21), Code 1950,
2 is hereby amended as follows:

3 1. Strike from line nine (9) the word "thirty" and insert in lieu
4 thereof the word "seventy".

5 2. Strike from line twelve (12) the word "thirty" and insert in
6 lieu thereof the word "seventy".

1 SEC. 3. Section forty-three point twenty-two (43.22), Code 1950,
2 is hereby amended by striking the word "thirty" from line two (2)
3 and inserting in lieu thereof the word "seventy".

1 SEC. 4. Section forty-three point seventy-three (43.73), Code 1950,
2 is hereby amended by striking the word "fifteen" from line one (1)
3 and inserting in lieu thereof the word "seventy".

1 SEC. 5. Section forty-three point ninety (43.90), Code 1950, is
2 hereby amended by striking the word "thirty" from line ten (10) and
3 inserting in lieu thereof the word "seventy".

1 SEC. 6. Nominations made under provisions of chapter forty-four
2 (44), chapter forty-five (45), Code 1950, which are required to be
3 filed in the office of the secretary of the state shall be filed in said office
4 not more than one hundred (100) nor less than eighty (80) days prior
5 to the date of the general election to be held in November; and those
6 nominations which are required to be filed in the office of the county
7 auditor shall be filed in said office not less than seventy (70) days prior
8 to the date of said general election.

1 SEC. 7. Section forty-four point four (44.4), Code 1950, is hereby
2 amended as follows:

3 1. Strike from line nine (9) the word "twenty" and insert in lieu
4 thereof the word "seventy-five".

5 2. Strike from line eleven (11) the word "eight" and insert in lieu
6 thereof the word "sixty-five".

7 3. Strike from line thirteen (13) all of the remainder of said sec-
8 tion after the word "said" and insert in lieu thereof the following:
9 "eighty (80) or seventy (70) days, as the case may be, objections
10 shall be filed within three (3) days after the filing of the certificate,
11 provided such vacancies shall be filled not later than seventy-five (75)
12 days prior to the election in the case of offices, certificate for which
13 is required to be filed in the office of the secretary of state, and not
14 later than sixty-five (65) days prior to the election in case of offices,
15 certificate for which is required to be filed in the office of the county
16 auditor."

1 SEC. 8. Section forty-four point nine (44.9), Code 1950, is hereby
2 amended as follows:

3 1. Strike from line eight (8) the word "thirty" and insert in lieu
4 thereof the word "seventy-five".

5 2. Strike from line ten (10) the word "twenty-five" and insert in
6 lieu thereof the word "sixty-five".

1 SEC. 9. Section forty-four point fourteen (44.14), Code 1950, is
2 hereby amended by striking from line three (3) of subsection 1 after

3 the word "than" all of the remainder of subsection 1 and all of sub-
4 section 2 and inserting in lieu thereof the following: "one hundred
5 (100) nor less than eighty (80) days before the general election, and
6 such certificates for all other offices, except for cities and towns, shall
7 be filed with the county auditor not more than ninety (90) nor less
8 than seventy (70) days before the general election."

1 SEC. 10. The term "Armed Forces of the United States", as used
2 in this Act shall mean the army, navy, marine corps, and air force of
3 the United States.

1 SEC. 11. Whenever registration is required in order to vote at
2 either the primary election or general election, in the case of voters in
3 the armed forces of the United States, the affidavit upon the ballot
4 envelope of such voter, otherwise qualified, shall constitute a sufficient
5 registration, whether the registration required be under the provi-
6 sions of chapter forty-seven (47) or chapter forty-eight (48), Code
7 1950.

1 SEC. 12. The provisions of sections fifty-three point two (53.2),
2 fifty-three point four (53.4) and fifty-three point five (53.5), Code
3 1950, shall not apply in connection with the primary and general elec-
4 tions in the case of a qualified elector of the state of Iowa serving in
5 the armed forces of the United States; in any such case an application
6 for ballot as provided for in said sections shall not be required and an
7 absent voter's ballot shall be sent or made available to any such voter
8 upon a request being made therefor as provided for in this Act. All
9 official ballots to be voted by qualified absent voters in the armed forces
10 of the United States at the primary election and the general election
11 shall be printed prior to fifty-five (55) days before the said respective
12 elections and shall be available for transmittal to such qualified electors
13 in the armed forces of the United States fifty-five (55) days prior to
14 the respective elections. The provisions of chapter fifty-three (53),
15 Code 1950, shall apply to absent voting by qualified voters in the
16 armed forces of the United States at said elections except as modified
17 by the provisions of this Act.

1 SEC. 13. Request in writing for ballot for the primary election
2 and for the general election may be made by any member of the armed
3 forces of the United States who is or will be a qualified voter on the
4 day of the election at which said ballot is to be cast, at any time prior
5 to either of said elections, the request stating for which election the
6 request is made. In the case of the general election such request may
7 likewise be made, not more than seventy (70) days before said elec-
8 tion, for and on behalf of a voter in the armed forces of the United
9 States by a spouse, parent, adult brother, adult sister, or adult child
10 of any such voter, residing in the county of said voter's residence, pro-
11 vided that any such request made by other than the voter may be re-
12 quired to be made on forms prescribed by the Iowa servicemen's ballot
13 commission.

14 A request shall show the residence (including street address, if any)
15 of the voter, the age of the voter, and length of residence in the city,
16 town or township, county and state, and shall designate the address
17 to which the ballot is to be sent, and in the case of the primary elec-

18 tion, the party affiliation of such voter. Such request shall be made
19 to the county auditor of the county of the voter's residence, provided
20 that if the request is made by the voter to any elective state, city, town
21 or county official, the said official shall forward it to the county auditor
22 of the county of the voter's residence, and such request so forwarded
23 shall have the same force and effect as if made direct to the county
24 auditor by the voter.

25 The county auditor shall immediately on the fifty-fifth (55th) day
26 prior to the particular election transmit ballots to the voter by mail or
27 otherwise, postage prepaid, as may be directed by the Iowa service-
28 men's ballot commission, requests for which are in his hands at that
29 time, and thereafter so transmit ballots immediately upon receipt of
30 requests for same. A request for ballot for the primary election which
31 does not state the party affiliation of the voter making the request shall
32 be void and of no effect. A request which does not show that the person
33 for whom ballot is requested will be a qualified voter in the precinct in
34 which said ballot is to be cast on the day of the election for which the
35 ballot is requested, shall not be honored; provided that a request which
36 states the age and the city or town, including street address, if any,
37 or township, and county wherein the voter resides, and which shows
38 a sufficient period of residence, shall be sufficient to show that he is
39 such a qualified voter. A request by the voter containing substantially
40 the information required herein shall be sufficient.

41 If the affidavit on the ballot envelope shows that the affiant is not
42 a qualified voter on the day of the election at which said ballot is
43 offered for voting, the envelope shall not be opened, but the envelope
44 and ballot contained therein shall be preserved and returned by the
45 judges of election to the county auditor, who shall preserve same for
46 the period of time and under the conditions provided for in sections
47 fifty point twelve (50.12) to fifty point fifteen (50.15), Code 1950,
48 inclusive.

1 SEC. 14. The county auditor of each county shall establish and
2 maintain a record of all requests for ballots which are made, and of
3 all ballots transmitted, and the manner of transmittal, from and re-
4 ceived in his office under the provisions of this Act. In the event more
5 than one request for absent voter's ballot for a particular election shall
6 be made to the county auditor by or on behalf of a voter in the armed
7 forces of the United States, the request first received shall be honored,
8 except that if one of the requests is made by the voter himself, and a
9 request on his behalf has not been previously honored, such request of
10 the voter shall be honored in preference to a request made on his be-
11 half by another. Not more than one ballot shall be transmitted by the
12 county auditor to any voter for a particular election. In the event the
13 county auditor shall receive more than one absent voter's ballot, pro-
14 vided for by this Act, from or purporting to be from any one voter for
15 a particular election, all of said ballots so received from or purporting
16 to be from such voter shall be null and void, and the county auditor
17 shall not deliver any of said ballots to the judges of election, but shall
18 retain them in his office, and preserve them for the period and under the
19 conditions provided for in sections fifty point twelve (50.12) to
20 fifty point fifteen (50.15), Code 1950, inclusive.

1 SEC. 15. Notwithstanding the provision as to time found in sec-
2 tion fifty-three point eleven (53.11), Code 1950, any qualified voter in
3 the armed forces of the United States may personally appear in the
4 office of the county auditor of the county of his residence and there
5 vote an absent voter's ballot at any time not earlier than fifty-five (55)
6 days before the primary or general election, as the case may be.

1 SEC. 16. The envelopes used in connection with voting by absent
2 voter's ballot by voters who are members of the armed forces of the
3 United States, shall have stamped or printed on them the words
4 "Serviceman's Ballot" and a designation of the election at which said
5 ballot is to be cast, either "Primary Election" or "General Election",
6 as the case may be.

1 SEC. 17. Any commissioned officer in the armed forces of the
2 United States, or any person authorized by the Government of the
3 United States to administer oaths to members of the armed forces of
4 the United States are authorized to administer and attest any oath re-
5 quired in connection with the voting of an absent voter's ballot by a
6 voter in the armed forces of the United States. Such officer or person
7 shall show his rank and branch of service or other legal qualifications
8 in connection with his signature in attesting any oath.

1 SEC. 18. There is hereby created the "Iowa Servicemen's Ballot
2 Commission", which shall be composed of the secretary of state, who
3 is the state official charged with the conduct and supervision of elec-
4 tions and who shall be chairman of the commission, and four other
5 members who shall be appointed in the following manner, to-wit: On
6 or before January 15, the respective chairmen of the state central
7 committees of the two political parties which cast the largest and sec-
8 ond largest number of votes for governor at the next preceding gen-
9 eral election, as shown by the records in the office of the secretary of
10 state, shall each designate two members, qualified electors of the state
11 of Iowa, from his political party for membership on said commission
12 and notify the governor thereof in writing; the governor shall im-
13 mediately upon receipt of such notification appoint said persons so
14 designated as members of the commission and issue his commission
15 of appointment therefor; in the event either of said state chairmen
16 shall fail to so make such designation and notification of either or
17 both of said designates within said ten (10) days, the governor shall
18 immediately thereafter make the appointment thereto from the mem-
19 bership of the political party of the chairman failing to make such
20 designation and notification and issue his commission of appointment
21 therefor. The commissioners appointed shall qualify by subscribing
22 the oath provided in section sixty-three point ten (63.10), Code 1950.
23 The members of the commission shall be reimbursed their actual ex-
24 penses in the performance of their duties, but shall receive no compen-
25 sation for their services.

1 SEC. 19. The said commission is authorized and empowered:

2 1. To make rules and regulations for the purpose of carrying out
3 the provisions and intent of this Act;

4 2. To prescribe and direct the preparation of specially printed bal-
5 lots, envelopes and other papers of different size and weight to be

6 used in connection with absent voting by voters in the armed forces
7 of the United States, if, in the discretion of the commission, it shall
8 determine that such a special ballot and other papers will facilitate
9 voting by such voters; provided that the content of any such specially
10 printed matter shall be the same as that used for absent voters gener-
11 ally in the particular precinct in which said serviceman's ballot is to
12 be cast, and provided further that such ballots, envelopes and other
13 papers shall be substantially uniform in size and weight throughout
14 the state; and provided further that the provisions of section forty-
15 nine point fifty-six (49.56), Code 1950, establishing the maximum
16 cost of printing ballots, shall not govern as to the cost of any specially
17 printed ballots authorized by this Act, but the cost of printing any
18 such specially printed ballots by the several counties shall not exceed
19 an amount, per thousand such ballots or fraction thereof, which may
20 be determined by the state printing board upon the basis of cost and
21 weight of paper, size of ballots and type measurements;

22 3. To prescribe any forms that are not otherwise prescribed by
23 law, and which in the judgment of the commission are necessary to
24 facilitate the carrying out of the purposes and intent of this Act;

25 4. To arrange for special transportation of ballots either in co-
26 operation with the government of the United States through any
27 authorized instrumentality thereof or otherwise, and to that end
28 the commission is empowered to direct the county auditors of the
29 several counties of the state to send ballots to voters in the armed
30 forces of the United States other than in the usual course of mail;

31 5. To employ such clerical assistance as it may require in carrying
32 out its functions, to purchase and requisition any office supplies it
33 may require, and certify for payment the expenses of carrying out
34 its functions;

35 6. To call upon any department or division of the state government
36 for information and assistance in connection with carrying out the
37 provisions of this Act;

38 7. To cooperate with any authorized departments, agencies and
39 instrumentalities of the government of the United States in effecting
40 the intent and purposes of this Act.

1 SEC. 20. In order to establish uniformity in size, weight and other
2 characteristics of the ballot and facilitate its distribution and return,
3 the state printing board shall upon direction of the "Iowa Service-
4 men's Ballot Commission" purchase any material needed for any spe-
5 cial ballots, envelopes and other printed matter, and sell any such ma-
6 terials to the several counties of the state at cost plus handling and
7 transportation costs.

8 There is hereby appropriated to the state printing board from the
9 general fund of the state such sums as may be necessary to purchase
10 any materials provided for herein. The proceeds from sale of such
11 materials to counties shall be turned into the general fund of the state
12 upon receipt of same by the state printing board.

1 SEC. 21. In the event the government of the United States or any
2 branch, department, agency or other instrumentality thereof shall
3 make provision for sending of any voting matter provided for in this
4 Act through the mails postage free, or otherwise, the election officials

5 of the state of Iowa and of the several counties of the state are author-
6 ized to make use thereof under the direction of the Iowa servicemen's
7 commission.

1 SEC. 22. The provisions of this Act as to absent voting shall apply
2 only to absent voters in the armed forces of the United States. The
3 provisions of chapter fifty-three (53), Code 1950, shall apply to all
4 other qualified voters not members of the armed forces of the United
5 States, unaffected by any provision of sections three (3) to twelve
6 (12), both inclusive, of this Act.

*See chapter 60.

1 SEC. 23. There is hereby appropriated to the Iowa servicemen's
2 ballot commission from the general fund of the state such sums as are
3 necessary for it to pay its expenses and perform its functions under
4 this Act. Warrants shall be drawn by the comptroller upon certifica-
5 tion by the chairman of the commission, or in the event of his inability
6 or unavailability to act by three members of the commission.

1 SEC. 24. This Act shall be liberally construed in order to provide
2 means and opportunity for qualified voters of the state of Iowa serving
3 in the armed forces of the United States to vote at the primary and
4 general elections.

1 SEC. 25. The provision or provisions of this Act which are incon-
2 sistent with any provision or provisions of any other existing statute
3 or any part of any such other existing statute, shall prevail. Likewise,
4 the provision or provisions of any other existing statute or any part
5 of any other existing statute which is not inconsistent with this Act,
6 shall prevail.

Approved April 6, 1953.

CHAPTER 60

VOTING BY ARMED FORCES

H. F. 505

AN ACT to amend House File 213, Acts of the Fifty-fifth General Assembly, relating to voting by the armed forces.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Amend House File 213, Acts of the Fifty-fifth General
2 Assembly, by striking from section twenty-two (22) the following:
3 “, unaffected by any provision of sections three (3) to twelve (12),
4 both inclusive, of this Act”.

Approved April 25, 1953.